

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

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## Enforcement Action

**John Cussen****Professional Geologist (PG) No. 6506**

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 to John Cussen for violation of Business and Professions Code section 7860 (b)(3) and for violation of section 3065, subsections (a)(2), (b)(4) and (b)(8) of Title 16, California Code of Regulations. John Cussen signed the following reports entitled "Quarterly Report October 2003 Darpetro, Inc. USA Service Station," and the "Amended Quarterly Report 2003, Darpetro, Inc. USA Service Station," dated May 8, 2004 and October 25, 2003, respectively (herein referred to as 'Reports'). The aforementioned Reports related to the leaking underground storage tank (UST) at 749 East Charter Way, Stockton, California.

The Reports provided professional geologic characterization of the site with respect to environmental impact from leaking Underground Storage Tank (UST) systems and were submitted to the San Joaquin County Environmental Health Department's (SJCEHD) staff as part of the case file for that site. The signature and stamp of Mr. Cussen on the Reports indicates his responsibility for the Report's accuracy in accordance with Business and Professions Code 7835 and the requirements of the of the State Water Resources Control Board, Underground Storage Tank Cleanup Fund (Fund).

Geologic reports submitted to a local reviewing agency - such as the SJCEHD - or state reviewing agency - such as the Fund - are required to accurately represent geologic data and its relative significance (e.g., on investigative boring logs), protect the integrity of groundwater monitoring well water quality and provide meaningful recommendations regarding the results of environmental site characterization.<sup>1</sup> In addition, thorough responsible charge of field personnel must be maintained by the responsible Professional Geologist or Geophysicist in responsible charge of geologic or geophysical project work.

The Reports by Mr. Cussen failed to meet the standard of care for investigation reports at by UST fuel system release sites. The Reports lacked detailed information needed for review by the regulatory agency. In particular, the Reports lacked basic groundwater sampling protocols for decontamination,<sup>2</sup> name(s) of field personnel, detailed descriptions of procedures used, all field and office computations, accurate and complete depictions of investigative soil boring log datum and adequate recommendations for future work.

In accordance with section 125.9(d) of the Business and Professions Code, payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Mr. Cussen agreed to pay the fine and the case was closed on September 18, 2006.

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<sup>1</sup> In this case, explaining the significance of the site environmental sampling event data to furthering the required Site Conceptual Model (SCM) to define petroleum product remediation recommendations, *if* warranted by the site-specific geologic SCM.

<sup>2</sup> On October 8, 2003 and on April 14, 2004, inadequate decontamination of groundwater sampling equipment by a technician under the responsible charge of Mr. Cussen was witnessed by SJCEHD personnel. The groundwater sample integrity may have been compromised by not following standard decontamination procedures expected of groundwater investigation reports completed in 2003 and 2004. The California Geophysical Group, Inc., Water Sampling Protocols did not adequately address the steps to ensure proper groundwater sample quality control.